

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ANDRE' WILSON,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-22734

OFFICER TIM PATTERSON, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court is the defendants' motion for summary judgment. (ECF 78.)

On September 11, 2013, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and a recommendation for disposition ("PF&R"). On July 30, 2015, Magistrate Judge Tinsley filed a PF&R, (ECF 97), recommending that this Court grant the defendants' motion for summary judgment and dismiss this matter from the Court's docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that

do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on August 17, 2015. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF 97), **GRANTS** the defendants' motion for summary judgment, (ECF 78), and **DISMISSES** this case, and **DIRECTS** the Clerk to remove this action from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 30, 2015



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE